IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 16828 OF 2005

Dated : 29-07-2005

Between:

Begumpet Building Owners Welfare Association,

Saptagiri Residency, Begumpet, Hyderabad, Rep.

By its General Secretary, Sri Kishan Sharma

Petitioners

AND

The Commissioner,

Municipal Corporation of Hyderabad,

Secunderabad Zone, Secunderabad and two others.

Respondents

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W.P. No. 16828 OF 2005

ORAL ORDER:

The Petitioner – Association filed this writ petition seeking a writ of mandamus declaring the action of the respondent No.1 in issuing the notice dated 14.6.2005 to its members under Sec. 146 of the Municipal Corporation of Hyderbaad Act as illegal and violative of principles of natural justice and to consequently direct the respondents not to take any coercive action against the property of its members.

The petitioner Association is formed to safeguard the interests and welfare of the members of the Association who are owners of the buildings situated at Begumpet, Sardar Patel Road, Secunderbad, and it is a registered society. The respondent No.1 issued the impugned notice under Sec. 146 of the Hyderabad Municipal Corporation Act requiring to give consent for taking their properties, for road widening purpose, which was suitably replied attributing bottlenecks in the traffic flow to lack of control over the traffic. While so, the Subordinate Officials of the respondents threatened to demolish the buildings on Sardar Patel Road for road widening. Therefore, the petitioner Association represented by its Secretary has preferred this writ petition.

Evidently, the affidavit lacks the particulars of the alleged buildings which are proposed to be demolished for road widening. It is a settled principle of law that the association cannot represent the grievances of all its members. The petitioners should enlighten grievance of their own either to claim compensation or to object to the demolition for road widening purpose. Evidently, there is nothing on record in that regard. Therefore, I do not see any reason to entertain the writ petition. Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

July 29, 2005

MAS.